



Howard County

Internal Memorandum

Subject: Testimony – ZRA-90

To: Lonnie R. Robbins, Chief Administrative Officer

From: Stacy L. Spann, Director ^(SLS)
Housing and Community Development

Date: September 20, 2007

ZRA-90 amends the Howard County Zoning regulations by:

- Adding a new term, “Housing Commission Housing Development”;
- Identifying various commercial and business districts in which housing developments can be constructed as a matter of right when the Housing Commission wholly owns or is the managing (and controlling) entity of the development through a partnership structure for the purpose of receiving tax credits;
- Establishing various bulk standard for these developments;
- Requiring site development plan review by the Planning Board for these developments;
- Eliminating from the zoning regulations the requirement that moderate income housing units must first be made available to County employees; and
- Clarifying the relationship between assisted living beds and the Moderate Income Housing Unit requirement.

Since its inception 17 years ago, the Howard County Housing Commission has been permitted to construct wholly-owned housing developments “as a matter of right in any commercial or business zoning district” as stated in the Housing Code, Sec. 13.1015 (b). This ZRA removes this right from the Housing Code and places it in the Zoning regulations, coincidentally adding “Housing Commission Housing Development” as a new term. The ZRA also proposes to add the Commission’s ability to construct these developments under partnership agreements in which it is the managing entity specifically for the sole purpose of receiving tax credits.

Additionally, the ZRA limits the number of commercial and business districts to those believed to be more appropriate for the potential development of these housing developments. In addition, the ZRA requires that site development plans must be reviewed by the Planning Board. The ZRA proposes a number of specific bulk standards including setbacks, height restrictions, minimum acreage, and open space requirements to which these housing developments must adhere. These restrictions are proposed to help ensure that these properties are appropriately designed to blend into the existing communities.

Fiscal Impact

Should ZRA-90 become law, the adverse fiscal impact should be negligible. In fact, the value of providing high quality, well designed affordable housing can only strengthen the surrounding

community. The notion that the Housing Commission could begin constructing housing on all commercial parcels, thereby upsetting the commercial tax base, is financially infeasible. This infeasibility is due in part to the high value of all land in Howard County. Taking the land cost into consideration for the typical affordable housing transaction using Low Income Housing Tax Credits will make it virtually impossible to construct affordable housing units. More simply put, the expenses of such a transaction would far outweigh the benefits, making it impossible to secure financing. This is the same challenge that the Housing Commission faces on residentially zoned properties.

The other actions proposed under ZRA-90 will have no fiscal impact, adverse or otherwise, to the County.

The Howard County Department of Housing and Community Development recommends approval of the Resolution.

Cc: Ken Ulman, County Executive
Jennifer Sager, Legislative Coordinator